

No. 9/5/84-6Lab./6783.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Chief Administrator, Faridabad Complex Administration, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 288 of 1985

between

SHRI AMI CHAND, WORKMAN AND THE RESPONDENT-MANAGEMENT OF CHIEF
ADMINISTRATOR, FARIDABAD COMPLEX, ADMINISTRATION, FARIDABAD

Present —

Shri Bhim Singh Yadav for the workman.

None for the respondent-management.

AWARD

This industrial dispute between the workman Shri Ami Chand and the respondent-management of M/s Chief Administrator, Faridabad Complex Administration, Faridabad has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/20472—77, dated 6th May, 1985 under section 10 (i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Ami Chand was justified and in order? If not, to what relief is he entitled?

According to the claim statement, the claimant was appointed for the last 10 years. He fell sick on 21st December, 1982. After two days he sent his medical certificate and informed that he shall resume duty after his fitness from his sickness. So he went to join duty on 8th March, 1983, but he was not taken on duty. He joined on 12th March, 1983 and charge-sheet was issued to him which was duly replied and his services were terminated with effect from 6th July, 1984. He has contended that the enquiry was not fair and proper. He was not given any opportunity to be heard before termination. Show-cause Notice was issued to him which was also duly replied.

The management was duly served. But none appeared. Hence the management was proceeded *ex parte* on 21st May, 1985. I had perused the *ex parte* evidence of the workman, charge-sheet, its reply copy of show-cause notice, statements of witnesses. It is proved that the workman did not apply for leave from December, 1982. He has stated that he wrote that he will join duty as and when he will be fit to join duty. No medical certificate has been produced to prove his sickness. He was on medical leave from 21st December, 1982 to 12th January, 1983. He was not on medical leave from 12th January, 1983 to 8th March, 1983. It is, therefore, clearly shows that he remained absent for a long period and he could not satisfy the enquiry officer that he was justified in remaining absent for such a long time. The respondent-management has also not appeared in this Court and has not produced enquiry file. In these circumstances it is difficult to find that the claimant was seriously ill and that he could not join duty upto 8th March, 1983. Hence the order of termination is legal and justified. Taking into consideration that the claimant was ill and he is a poor fourth class employee, I think lenient view under section 11-A is required to be taken. I, therefore, order his reinstatement with continuity of service but without back wages.

The reference is answered accordingly.

Dated, the 30th July, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endstt. No. 2224, dated the 6th August, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.